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ORIGINAL

Enforcement Sensitive

September 3, 1997

**ENFORCEMENT ADDENDUM TO
Request for Ceiling Increase (\$1,875,000)
for Removal Action at Shaffer Equipment Company Site
Minden, Fayette County, West Virginia**

The Removal Enforcement Section ("Enforcement") has reviewed the referenced Request for a Ceiling Increase to \$1,875,678 for the Shaffer Equipment Company Site, Minden, Fayette County, West Virginia and has developed the following information relative to the potential for enforcement action:

A. PRP Identification

- The Site property is currently owned by Shaffer Equipment Company.
- The late Mr. Shaffer (Anna Shaffer's late husband) owned and operated the Shaffer Equipment Company at the Site from the 1960's to 1982, when EPA's initial Removal action began.
- The property was inherited by Anna Shaffer in 1982. Mrs. Shaffer then transferred the the property Deed to Shaffer Equipment Company in 1988.

B. Notification of PRPs of Potential Liability and of the Required Removal Action

- A Notice letter will be sent to Mrs. Shaffer, a previous owner of the Property from 1982-1988, upon approval of this action.
- No other PRPs have been identified at this time.

C. Decision Whether to Issue an Order

- It is unclear at this time whether the Shaffer Equipment Company wants to negotiate an order for the clean-up of the Site. The property may revert to the state in a future Sheriff's Tax sale, which does not provide incentive to the PRP for expending resources on this property. Factors influencing this decision will include the financial viability of the PRP.

D. Negotiation and Order Strategy

- If the PRP wishes to enter into an AOC the OSC recommends a 30-day deadline for the negotiation of a Consent Order or issuance of a Unilateral Administrative Order, as established by the Deadline Management Procedures (November 15, 1990).

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E. **Recommendation**

- The May 5, 1997 letter from Mrs. Shaffer's Attorney clearly identifies the position of the property owner as not to conduct any further mitigation efforts at this site.
- Site conditions require immediate action. However, in light of the extensive involvement of the PRP in the reassessment of this site, it is recommended that the PRP be allowed to consider an AOC while initial stabilization is being performed. If the response is negative or there is no response to the offer by that deadline, it is recommended that EPA fully implement the proposed action and pursue cost recovery at a later date.

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